

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

SPANG & COMPANY,)	
)	2:05cv878
Plaintiff,)	Electronic Filing
)	
v.)	Judge Cercone
)	Magistrate Judge Caiazza
ELECTRO MAGNETIC PRODUCTS,)	
INC.,)	
)	
Defendant.)	

MEMORANDUM ORDER

On July 5, 2007, the Plaintiff filed a Motion for Confirmation of Arbitration Award (Document No. 23), indicating that judgment should be entered against the Defendant in the amount of \$127,391.99. See generally *id.* In response, the Defendant agrees that judgment may be so entered. See Def.'s Resp. (Document No. 24). Counsel notes however that, except for costs already included in the judgment amount, the arbitration ruling directs that "the parties shall not be required to reimburse each other for any costs, expenses or fees." See *id.* at 1 (quoting arbitration award). Accordingly, counsel asks that the following language be added to the Plaintiff's proposed order:

It is further ORDERED, ADJUDGED and DECREED that each party shall bear its own costs in this action.

See Def.'s proposed order (attached as ex. to Document No. 24).

The magistrate judge in this case advises that, on July 12, 2007, his chambers left a message for Plaintiff's counsel asking whether Spang & Company wished to be heard regarding the suggested additional language. The Plaintiff has expressed no such desire, and the court may rely on the statements of Defense counsel, made under the auspices of Federal Rule 11(b), that the proposed language is appropriate.

For these reasons, the Plaintiff's Motion for Confirmation of Arbitration Award (**Document 23**) is **GRANTED**, and the court rules as follows:

It is hereby ORDERED, ADJUDGED and DECREED that the Award entered by Thomas L. Allen, Esquire, dated June 6, 2007, is CONFIRMED. It is further ORDERED, ADJUDGED and DECREED that judgment will be entered in favor of Spang & Company and against Electro Magnetic Products, Inc. in the amount of \$127,391.99. It is further ORDERED, ADJUDGED and DECREED that EMP shall return the Confidential Information and Equipment as directed in the Arbitrator's award. It is further ORDERED, ADJUDGED and DECREED that each party shall bear its own costs in this action.

THESE THINGS ARE SO ORDERED on this 19th day of

July, 2007.



David Stewart Cercone
United States District Judge

cc: Honorable Francis X. Caiazza
United States Magistrate Judge

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